

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:

Case No.: 3776

JOHN E. PRIEVE, D.O.
Holder of License No. **3855**

CONSENT AGREEMENT FOR ORDER OF PROBATION

**For the practice of osteopathic medicine in the
State of Arizona**

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereinafter "Board") and John E. Prieve, D.O. (hereinafter "Respondent"), collectively known as the "Parties", hereby agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Consent Agreement and Order;
and, Respondent is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Consent Agreement and Order, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Interim Consent Agreement and Order in state or federal court.

3. Respondent understands that this Consent Agreement and Order will not become effective unless approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Consent Agreement and Order, once approved and signed, shall constitute a public record which will be disseminated as a formal action of the Board.

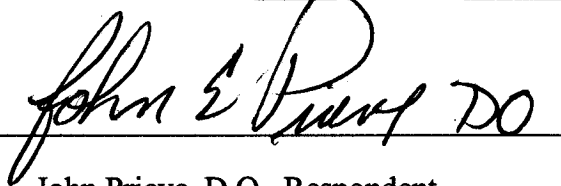
5. Respondent admits to the statement of facts and conclusions of law contained in the Consent Agreement & Order.

6. All admissions made by Respondent are solely for disposition of this matter and

1 any subsequent administrative proceedings or litigation involving the Board, Respondent and the
2 State of Arizona; and, therefore, said admissions by Respondent are not intended for any other
3 purpose or administrative regulatory proceeding or litigation in another state or federal court.

4 7. Respondent acknowledges and agrees that upon signing and returning this
5 document (or a copy thereof) to the Board's Executive Director, he may not later revoke or
6 amend any part of the Consent Agreement and Order, without first obtaining Board approval.

7
8 ~~REVIEWED AND ACCEPTED THIS~~ 25th DAY OF JANUARY, 2007.

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10 
11 John Prieve, D.O., Respondent

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13 **JURISDICTIONAL STATEMENTS**

14 1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the
15 licensing and practice of osteopathic medicine in Arizona.

16 2. The Board has the authority to informally dispose by stipulation, agreed
17 settlement, consent order or default pursuant to A.R.S. § 41-1092.05 (F)(5).

18 3. Respondent holds license No. 3855 to practice osteopathic medicine in Arizona.

19 **FINDINGS OF FACT**

20 4. In March of 2006 the Respondent reported a disciplinary action taken in the State
21 of Massachusetts.

22 5. On February 14, 2005, Respondent was admitted as an inpatient to an alcohol and
23 chemical dependency treatment facility that had a specialized program for healthcare
24 professionals. He was discharged on April 13, 2005. Since his discharge, he has been attending
25 Alcoholic/Narcotic Anonymous meetings four times a week. He has established a support group

1 in Worcester to help other physicians with addiction issues. He also meets weekly with his PHS
2 monitors, and has been treating with a psychiatrist.

3 6. In its Sanction and Order signed by Respondent on February 23, 2006 and
4 accepted on March 15, 2006, the Massachusetts board of Registration in Medicine indefinitely
5 suspended Respondent's license to practice medicine in the Commonwealth. Respondent had
6 the right to petition for a stay of his suspension immediately upon entering into a Probation
7 Agreement. Respondent signed the Probation Agreement on February 23, 2006, and it was
8 ~~accepted by the Board on March 15, 2006.~~

9 7. On May 17, 2006 Respondent entered into a Voluntary Agreement not to Practice
10 Medicine in the Commonwealth of Massachusetts.

11 8. After reviewing the evidence provided in the June 1, 2006 notice from the
12 Physician Health and Compliance Counsel, the Massachusetts Board of Registration in Medicine
13 determined that Respondent had failed to comply with two paragraphs of the Probation
14 Agreement.

15 9. On June 1, 2006 the board voted to lift the stay and to suspend Respondent's
16 license to practice medicine in the Commonwealth. The Board allowed Respondent to request a
17 hearing, but as of June 14, 2006 deadline, he had not done so.

18 CONCLUSIONS OF LAW

19 1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic
20 Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

21 2. The conduct and circumstances described in paragraphs 4 through 9 above if
22 proven true could constitute unprofessional conduct as defined in the following paragraphs of
23 A.R.S. § 32-1854:

24 (3) Practicing medicine while under the influence of alcohol, narcotic or
25 hypnotic drugs or any substance that impairs or may impair the licensee's ability
to safely and skillfully practice medicine.

(4) Being diagnosed by a physician licensed under this chapter or chapter 13 of this title or a psychologist licensed under chapter 19.1 of this title as excessively or illegally using alcohol or a controlled substance.

(6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard.

(38) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:

Pursuant to A.R.S. §§ 32-1855 (C) and 41-1064 (C), License No. 3855 held by **John E. PRIEVE, D.O.**, ("Respondent") shall be placed on **PROBATION** for 5 years from the date of this order with the following terms and conditions of probation as set forth herein:

1. Respondent shall submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

2. In addition, respondent shall submit to bi-weekly biological fluid testing on Monday and Thursday of every week ~~during the length of Probation unless otherwise waived by the Board.~~ *for the first year. J.P.*

3. ~~Respondent will develop a plan for aftercare treatment and monitoring which~~ shall include, but may not be limited to, individual and/or group counseling sessions, random body fluid testing, agreement for release of treatment records and reports to the Board, prohibition of the use of alcohol and controlled substances unless the latter is prescribed or coordinated by his treating physician, and regular meeting with the Board, and submit this plan to the Board for its approval.

4. From the date of this Order, Respondent shall obtain psychiatric or psychological

1 treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is
2 selected by Respondent and approved by the Board. Respondent shall comply with the therapist
3 recommendation for the frequency of therapy treatment sessions. Respondent shall inform the
4 Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and,
5 Respondent shall undertake and fully cooperate with a program of treatment established by the
6 therapist. In the event Respondent changes therapists, he shall give the Board written notice
7 within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of
8 ~~psychotherapy sessions until he has~~ submitted a written request to the Board and obtained Board
9 approval.

10 5. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall
11 cooperate with and disclose all relevant information in the Board's files concerning Respondent.
12 The treating therapist shall be directed by Respondent to send to the Board a detailed written
13 progress report every month for the remainder of the probation; and Respondent, shall waive any
14 confidentiality concerning his psychotherapy in order that the Board may receive full disclosure
15 of information. The expense of the aforementioned therapy and the reports to the Board by
16 Respondent's therapist shall be the sole responsibility of the Respondent.

17 6. Respondent shall provide a copy of this Order and any subsequent Orders to all
18 facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or
19 ~~subsequently receives) privileges to engage in the practice of medicine.~~ Respondent shall
20 provide a copy of this Order to all treating physicians, dentists and or health care professionals.
21 Respondent shall continue to make the aforementioned disclosure and provide copies of this
22 Consent Order until the expiration of this Order.

23 7. Respondent shall abstain completely from the consumption of alcoholic beverages
24 or any substance with alcohol (i.e. cough syrups); and, Respondent shall not consume illicit
25 drugs or take any controlled substances (i.e., prescription only drugs), unless his treating
physician prescribes such medication for him with the awareness that Respondent has a

1 substance abuse disorder. Respondent shall maintain a monthly log (for the duration of
2 probation) of all prescription only drugs taken by his and such log shall include the following
3 information:

- 4 (a) the name of the medication;
- 5 (b) name of prescribing physician;
- 6 (c) reason for the medication.

7 8. At the first of each month, Respondent shall report by letter to the Board whether
8 or not he is taking any prescription only medication and, if so, a copy of his log reflecting the
9 above information.

10 9. Respondent shall also, as part of his probation: (A) submit to and cooperate in
11 any independent medical or psychological evaluation that is ordered by the Board for
12 Respondent and conducted by the Board's designated physician and/or psychologist which shall
13 be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written
14 or telephonic notification from the Board's executive director which shall be given at least five
15 (5) days prior to the Board meeting;

16 10. Respondent shall participate in a minimum of three (3) self-help meetings per
17 week through such organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent
18 shall keep a log of all meetings attended and have the log signed by the chairperson of the
19 meeting. Respondent will provide the Board with a copy of the signed log the first of every
20 month.

21 11. In the event Respondent moves and ceases to practice medicine in Arizona, he
22 shall give written notice to the Board of his new residence address within twenty (20) days of
23 moving; and, the terms and duration of probation may be stayed by the Board until Respondent
24 returns to practice medicine in Arizona.

25 12. Respondent shall reimburse the Board for all expenses associated with the
continued monitoring of this matter.

1 13 Respondent shall continue to meet all licensing requirements such as continuing
2 medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-
3 1825.

4 14. The Board's Executive Director shall send correspondence to the appropriate state
5 and/or federal law enforcement agency disclosing information in the Board's possession which
6 may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

7 15. Respondent's failure to comply with the requirements of this Order shall
8 constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be
9 considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in
10 the event that Respondent fails to comply with any of the requirements of this Order.

11 ISSUED THIS 1st DAY OF ~~JANUARY~~ ^{FEBRUARY}, 2007.



STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS IN
MEDICINE AND SURGERY

By: _____
Jack Confer, Executive Director

17 Original "Consent Agreement to
18 Findings of Fact, Conclusions of Law,
and Probationary Order" filed this 1st
19 day of FEBRUARY, 2007 with the:

20 Arizona Board of Osteopathic Examiners
21 In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

22 Copy of the foregoing "Consent Agreement to
23 Findings of Fact, Conclusions of Law,
24 and Probationary Order" sent via certified,
return receipt requested this 1st
25 day of FEBRUARY, 2007 to:

1 John E. Prieve, D.O.
14577 W. Wilshire Rd
2 Goodyear, AZ 85901

3 Copies of the foregoing "Consent Agreement to
4 Findings of Fact, Conclusions of Law,
and Probationary Order" sent via regular
5 mail this 1st day of FEBRUARY, 2007 to:

6 Blair Driggs, AAG
Office of the Attorney General CIV/LES
7 1275 West Washington
Phoenix AZ 85007

